(c) The permissible free time for unloading of a rake of 58 wagons was reduced by the Railways from 10 hours to 5 hours *w.e.f.* 15.3.2005. The power utilities requested to reverse this decision. The Railways increased the free time for unloading from 5 hours to 6 hours *w.e.f.* 15.7.2005.

Guidelines for captive power ventures

1060. SHRIMATI N. P. DURGA: Will the Minister of POWER be pleased to state:

(a) the details of new guidelines proposed by Government for captive power ventures;

(b) whether Government is thinking of making amendments to the Electricity Act since some of the sections relating to captive power are ambiguous;

(c) if so, the details of sections that are going to be amended; and

(d) whether the new guidelines are within the purview of the Electricity Act or are separation?

THE MINISTER OF POWER (SHRI P. M. SAYEED): (a) The Electricity Rules, 2005 notified by the Central Government on 8th June, 2005, carry provisions, *inter-alia*, related to captive power plants. Relevant extracts of Rule 3 of these Rules relating to captive power plants is enclosed as Statement (*See* below).

(b) and (c) No amendment to the Electricity Act, 2003 with reference to provisions related to captive power plants, is envisaged.

(d) Yes Sir, the Electricity Rules, 2005 have been issued under the provisions of section 176 of the Electricity Act, 2003.

Statement

Rules relating to captive power plants

3. Requirements of Captive Generating Plant.—

(1) No power plant shall qualify as a 'captive generating plant' under section 9 read with clause (8) of section 2 of the Act unless—

(a) in case of a power plant—

(i) not less than twenty six per cent of the ownership is held by the captive user(s); and

(ii) not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use:

Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the co-operative society:—

Provided further that in case of association of persons, the captive user(s) shall hold not less than twenty six per cent of the ownership of the plant in aggregate ad such captive user(s) shall consume not less than fifty one per cent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten per cent;

(b) in case of a generating station owned by a company formed as special purpose vehicle for such generating station, a unit or units of such generating station identified for captive use and not the entire generating station satisfy (s) the conditions contained in paragraphs (i) and (ii) of sub-clause (a) above including—

Explanation:—

(1) The electricity required to be consumed by captive users shall be determined with reference to such generating unit or units in aggregate identified for captive use and not with reference to generating station as a whole; and

(2) the equity shares to be held by the captive user (s) in the generating station shall not be less than twenty six per cent of the proportionate of the equity of the company related to the generating unit or units identified as the captive generating plant.

Illustration:— In a generating station with two units of 50 MW each namely Units A and B, one unit of 50 MW namely Unit A may be identified as the Captive Generating Plant. The captive users shall hold not less

than thirteen per cent of the equity shares in the company (being the twenty six per cent proportionate to Unit A of 50 MW) and not less than fifty one per cent of the electricity generated in Unit A determined on an annual basis is to be consumed by the captive users.

(2) It shall be the obligation of the captive users to ensure that the consumption by the Captive Users at the percentages mentioned in sub-clauses (a) and (b) of sub-rule (1) above is maintained and in case the minimum percentage of captive use is not complied with in any year, the entire electricity generated shall be treated as if it is a supply of electricity by a generating company.

Explanation.— (1) For the purpose of this rule.—

a. "Annual Basis" shall be determined based on a financial year;

b. "Captive User" shall mean the end user of the electricity generated in a Captive Generating Plant and the term "Captive Use" shall be construed accordingly;

c. "Ownership" in relation to a generating station or power plant set up by a company or any other body corporate shall mean the equity share capital with voting rights. In other cases ownership shall mean proprietary interest and control over the generating station or power plant;

d. "Special Purpose Vehicle" shall mean a legal entity owning, operating and maintaining a generating station and with no other business or activity to be engaged in by the legal entity.

Generation and requirement of power

†1061. SHRI MANGANI LAL MANDAL: Will the Minister of POWER be pleased to state:

(a) the annual power generation capacity in the country as per requirement along with the extent of power being generated at present; and

(b) to what extent power requirement of the country can be fulfilled by non-conventional energy sources along with the names of the sources and the capacity thereof?

†Original notice of the question was received in Hindi.